

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REBECCA STELMAN, *et al.*,

Plaintiffs,

v.

AMAZON.COM INC., *et al.*,

Defendants.

Case No. C22-1632-RSM

ORDER DENYING MOTION TO STAY
REMAND PENDING APPEAL

This matter comes before the Court on Defendant Amazon.com Inc. and Amazon Logistics, Inc. (together, “Amazon”)’s Motion to Stay Remand Pending Appeal. Dkt. #33. Plaintiffs oppose Amazon’s motion. Dkt. #36. For the following reasons, the motion is DENIED.

This is a putative class action in which Plaintiffs allege that Amazon violated several sections of the Washington Revised Code and Seattle Municipal Code by failing to provide rest and meal breaks, and failure to pay compensation owed including overtime and wages for missed rest and meal breaks. *See* Dkt. #1-1. This case was originally filed in King County Superior Court in September of 2022. *See id.* at 1. Amazon removed the case under CAFA. Dkt. #1. On February 10, 2023, the Court granted Plaintiffs’ Motion to Remand finding the home state exception to CAFA applied and declined to exercise jurisdiction on that basis. Dkt. #31. On February 21, 2023, Amazon appealed the Court’s Order granting Plaintiffs’ Motion to Remand. Dkt. #32.

Whether Amazon is entitled to a stay pending appeal depends on “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)).

After weighing the relevant factors, the Court concludes a stay is not warranted. Amazon has not made a strong showing of likely success on the merits, because the record sufficiently suggest that Plaintiffs have satisfied the Ninth Circuit’s requirements by a preponderance of the evidence that Amazon is a principal, fundamental, or direct defendant and that at least two-thirds of the members of the putative class are citizens of Washington. *See* Dkt. #31 at 6. Amazon is also unlikely to suffer irreparable harm absent a stay. Amazon will be able to pursue an appeal of the remand order—indeed, that appeal is currently ongoing. *See* Dkt. #32. Amazon will incur some additional costs of pursuing an appeal without a stay, but those costs are unlikely to amount to irreparable injury.

Given these conclusions and because “[t]he first two factors [in the determination of a stay pending appeal] ... are the most critical,” *Nken*, 556 U.S. at 434, the Court need not continue its inquiry into the necessity of a stay.

For the foregoing reasons, Amazon’s motion, Dkt. # 33, is DENIED.

DATED this 10th day of March, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE